

House Joint Resolution 2013 - Introduced

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HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa requiring supreme court justices to be
3 elected.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 1. Section 2 of Article V of the Constitution of the State
4 of Iowa is amended beginning July 1, 2013, to read as follows:

5 **Supreme court.** SEC. 2. The General Assembly shall provide,
6 by law, for the statewide election of Supreme Court Judges at
7 the time of the judicial election. The Supreme Court shall
8 consist of three Judges, two of whom shall constitute a quorum
9 to hold Court and whose term of office shall be six years or
10 until a successor is elected and qualifies.

11 2. Section 15 of Article V of the Constitution of the
12 State of Iowa, as added by the Amendment of 1962, is amended
13 beginning July 1, 2013, to read as follows:

14 **Vacancies in courts.** SEC. 15. Vacancies in the ~~Supreme~~
15 ~~Court and~~ District Court shall be filled by appointment
16 by the Governor from lists of nominees submitted by the
17 appropriate District Judicial Nominating Commission. ~~Three~~
18 ~~nominees shall be submitted for each Supreme Court vacancy,~~
19 ~~and two~~ Two nominees shall be submitted for each District
20 Court vacancy. If the Governor fails for thirty days to make
21 the appointment, ~~it~~ the appointment shall be made ~~from such~~
22 ~~nominees~~ by the Chief Justice of the Supreme Court.

23 3. Section 16, unnumbered paragraph 1, of Article V of the
24 Constitution of the State of Iowa, as added by the Amendment
25 of 1962, is amended beginning July 1, 2013, by striking the
26 unnumbered paragraph.

27 4. Section 16, unnumbered paragraph 3, of Article V of the
28 Constitution of the State of Iowa, as added by the Amendment of
29 1962, is amended beginning July 1, 2013, to read as follows:

30 Due consideration shall be given to area representation in
31 the appointment ~~and election~~ of District Judicial Nominating
32 Commission members. Appointive and elective members of the
33 District Judicial Nominating Commissions shall serve for
34 six-year terms, shall be ineligible for a second six-year term
35 on the same commission, shall hold no office of profit of the

1 United States or of the state during their terms, shall be
2 chosen without reference to political affiliation, and shall
3 have such other qualifications as may be prescribed by law. As
4 near as may be, the terms of one-third of such members shall
5 expire every two years.

6 5. Section 17 of Article V of the Constitution of the State
7 of Iowa is amended beginning July 1, 2013, to read as follows:

8 **Terms — judicial elections.** SEC. 17. Members of all
9 courts, except the Supreme Court, shall have such tenure in
10 office as may be fixed by law, ~~but terms of Supreme Court~~
11 ~~Judges shall be not less than eight years and the terms~~
12 of District Court Judges shall be not less than six years.
13 Judges, other than Supreme Court Judges, shall serve for one
14 year after appointment and until the first day of January
15 following the next judicial election after the expiration of
16 such year. They shall at such judicial election stand for
17 retention in office on a separate ballot which shall submit the
18 question of whether such judge shall be retained in office for
19 the tenure prescribed for such office and when such tenure is a
20 term of years, on their request, they shall, at the judicial
21 election next before the end of each term, stand again for
22 retention on such ballot. Present ~~Supreme Court and~~ District
23 Court Judges, at the expiration of their respective terms, may
24 be retained in office in like manner for the tenure prescribed
25 for such office. The General Assembly shall prescribe the time
26 for holding judicial elections.

27 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
28 to the Constitution of the State of Iowa is referred to the
29 General Assembly to be chosen at the next general election
30 for members of the General Assembly, and the Secretary of
31 State is directed to cause the same to be published for three
32 consecutive months previous to the date of that election as
33 provided by law.

34 EXPLANATION

35 This joint resolution proposes an amendment to the

1 Constitution of the State of Iowa requiring the justices of the
2 supreme court to be elected to a term of office of six years on
3 a statewide basis. The Constitution currently requires each
4 justice of the supreme court to be retained in office every
5 eight years after serving an initial term of office immediately
6 after appointment.

7 The general assembly established the number of supreme court
8 justices at seven in Code section 602.4101 under the authority
9 of Article V, Section 10, of the Iowa Constitution. The number
10 of supreme court justices shall not fall below three justices
11 under Article V, Section 2, of the Iowa Constitution.

12 The resolution, if adopted, would be referred to the next
13 General Assembly (Eighty-fourth) for adoption before the
14 amendment is submitted to the electorate for ratification.

15 The resolution if adopted and ratified by the electorate
16 takes effect July 1, 2013.